

MARK MUSELLA
BERGEN COUNTY PROSECUTOR
ATTORNEY FOR RESPONDENTS
BY: IAN C. KENNEDY - ATTY NUMBER 020682011
ASSISTANT PROSECUTOR
BERGEN COUNTY PROSECUTOR'S OFFICE
TWO BERGEN COUNTY PLAZA
HACKENSACK, NEW JERSEY 07601

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
DOCKET NO. 18-9873 (CCC)

MARTIN L. BASKERVILLE, JR., :

Petitioner, : CIVIL ACTION

v. : AFFIDAVIT IN SUPPORT OF
MOTION TO DISMISS PETITION
GEORGE ROBINSON, et al., : FOR WRIT OF HABEAS CORPUS
AS MOOT

Respondents. :

STATE OF NEW JERSEY :
: SS
COUNTY OF BERGEN :

IAN C. KENNEDY, of full age, being duly sworn according
to law upon his oath deposes and says:

1. I am an assistant prosecutor in the Bergen County
Prosecutor's Office. I am assigned to represent respondents in
the above-captioned matter.

2. Petitioner's amended petition for writ of habeas
corpus is currently pending before Your Honor. (ECF No. 6).

3. On December 5, 2018, respondents filed a motion to
dismiss the amended petition as time barred and an improperly
filed second habeas petition. (ECF No. 13).

4. On March 26, 2019, respondents notified this Court that petitioner was released from state custody on March 5, 2019 without any parole conditions. (ECF No. 22).

5. On September 25, 2019, this Court denied the motion in a written opinion without prejudice and ordered respondents to file a full and complete answer. (ECF No. 24).

6. On November 22, 2019, respondents filed an answer to the petition. (ECF No. 28).

7. On March 30, 2022, respondents filed a letter with this Court indicating that petitioner's counsel and I believed that petitioner had recently died. (ECF No. 34). The letter informed the Court that petitioner's counsel intended to confirm petitioner's death with a relative or other appropriate individual. (Id.).

8. In my communication with petitioner's counsel immediately prior to filing the letter, counsel indicated that he had "heard" that petitioner died. He further indicated that he wanted to confirm with a relative or other appropriate individual.

9. Since filing the letter on March 30, 2022, I have followed up with petitioner's counsel in various ways. I have left messages with his administrative assistant and on his cell phone. I have also sent him emails.

10. On July 13, 2022, this Court ordered that "the parties shall update the Court regarding the status of Petitioner, and, if he is deceased, shall advise the Court whether they intend to stipulate to dismissal." (ECF No. 35).

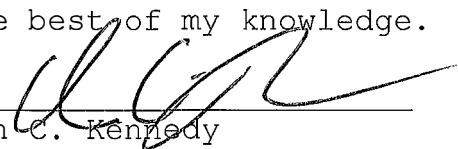
11. Following receipt of this order, on July 13, 2022, I again left a message with counsel's administrative assistant, called his cell phone, and sent him an email.

12. Petitioner's counsel has not replied to any of my communications since March 30, 2022.

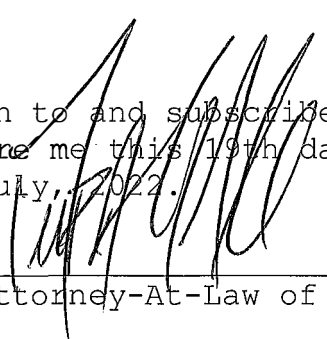
13. A simple Google search reveals that a publicly-available Facebook page titled the "The Ultimate Alibi," apparently created by a relative to publicize petitioner's case, announced that petitioner died on March 4, 2022. (See Exhibits A and B, true and accurate redacted printouts.)

14. Therefore, based on the foregoing, it is clear that petitioner is deceased.

15. I state under penalty of perjury that the foregoing facts are true and correct to the best of my knowledge.

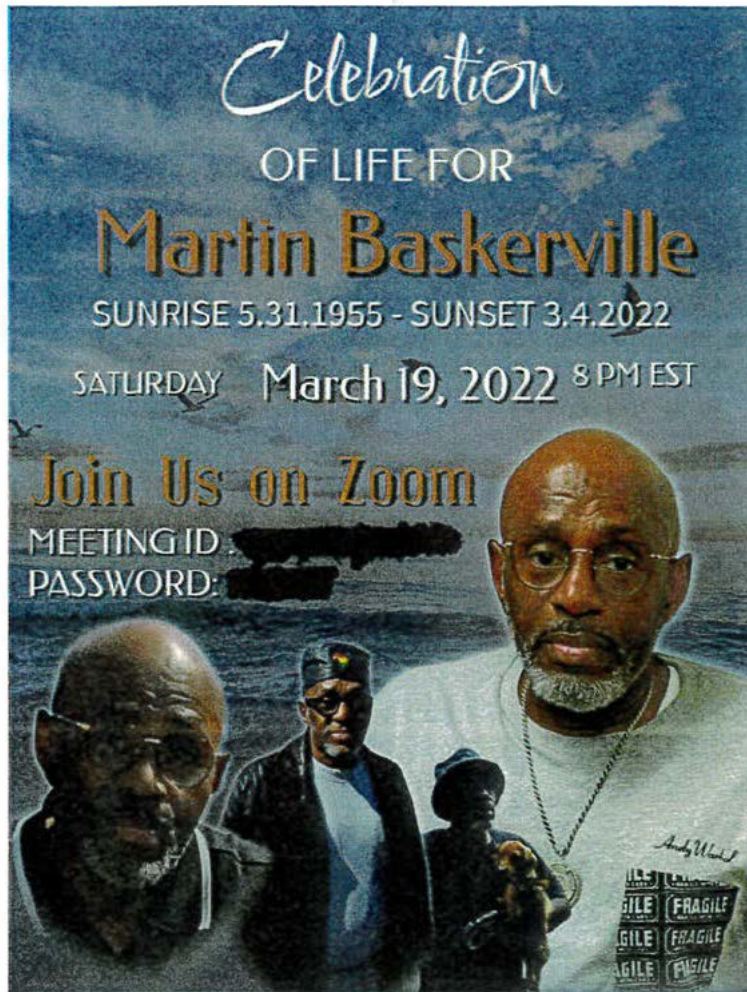


Ian C. Kennedy
Assistant Prosecutor
Bergen County Prosecutor's Office


Sworn to and subscribed
before me this 19th day
of July, 2022.

An Attorney-At-Law of New Jersey

EXHIBIT A



The Ultimate Alibi

March 16 · 🌐



Please share with family and friends. I know some may not be on Facebook so be sure to send them the information.



3 Comments 3 Shares

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 Comment

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Most relevant 



[REDACTED COMMENT]

17w

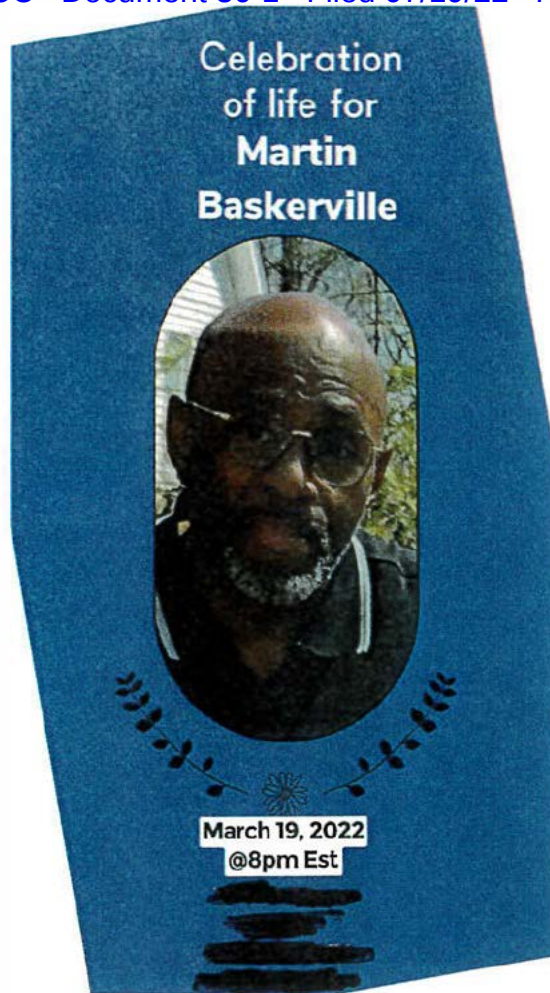
See more of The Ultimate Alibi on Facebook

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EXHIBIT B



The Ultimate Alibi

March 13 · 🌐



[Redacted text block]

[Redacted text block]

[Redacted text block]

Here is the zoom link
... See more

👍👍👍 4

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